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BRISTOL-MYERS SQUIBB COMPANY AND
MEDICAL ENGINEERING CORPORATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BEVERLY J. EZRA, an individual,

Plaintiff,

vs.

WEITZ & LUXENBERG, P.C., a New
York professional corporation, BRISTOL-
MYERS SQUIBB AND COMPANY, a
Delaware corporation; MEDICAL
ENGINEERING CORPORATION, a
Delaware corporation; and DOES and
ROES I through XX, inclusive,

Defendants.

Case No. 2:16-cv-00486-RFP-PAL

**STIPULATION AND ORDER TO
EXTEND TIME TO SUBMIT
DISCOVERY PLAN**

(SECOND REQUEST)

The parties, Defendant BRISTOL-MYERS SQUIBB (“BMS”) and MEDICAL
ENGINEERING CORPORATION (“MEC”), by and through its attorneys, EVANS FEARS &
SCHUTTERT LLP, and Plaintiff BEVERLY J. EZRA, by and through her attorney, Alan S. Levin,
Esq. of ALAN S. LEVIN, P.C., hereby stipulate and agree as follows:

1 1. On June 24, 2016, the Court issued an order granting defendants' motion to stay
2 discovery until disposition of all pending dispositive motions (ECF No. 37). Therein, the Court
3 ordered that within seven (7) days of an order addressing the last pending dispositive motion, the
4 remaining parties must hold a Rule 26(f) conference. *Id.* at 4:1-2. Further, the Court ordered that
5 within seven (7) days of the Rule 26(f) conference, the remaining parties must submit a discovery
6 plan in compliance with LR 26-1. *Id.* at 4:3-5.

7 2. On July 2, 2018, the Court issued its Order granting Defendant Weitz &
8 Luxenberg's motion to dismiss due to lack of personal jurisdiction (ECF No. 82). With this Order,
9 there are no pending dispositive motions to be addressed by the Court.

10 3. On July 6, 2018, the Court issued its Order granting the parties' stipulation to extend
11 the deadline for the remaining parties to hold a Rule 26(f) conference to July 23, 2018 and the
12 deadline to submit the discovery plan to July 30, 2018 (ECF No. 84) due to pre-planned vacations.

13 4. Counsel for BMS/MEC and counsel for Plaintiff timely held an initial Rule 26(f)
14 conference on July 23, 2018.

15 5. Due to the dismissal of Defendant Weitz & Luxenberg for lack of personal
16 jurisdiction, Plaintiff has filed suit against W&L in the U.S. District Court for the Southern District
17 of New York, where Weitz & Luxenberg is headquartered, *Ezra v. Weitz & Luxenberg, P.C. and*
18 *Roes and Does I through XX 1:18-cv-6802*. Because of this filing, Plaintiff and BMS/MEC are
19 discussing potentially transferring this case to that district and, if so, the most efficient way to
20 complete the transfer.

21 6. In light of Plaintiff's new lawsuit filed in the Southern District of New York and the
22 potential transfer of this case to that district, the parties respectfully stipulate that no later than
23 August 31, 2018, the parties will submit either a joint/unopposed motion to transfer this case to the
24 Southern District of New York, their individual motions relating to their respective positions on
25 transfer of the case or a 26(f) discovery plan in this district.

26 7. Additionally, the parties stipulate that defendants BMS/MEC shall have until
27 September 7, 2018 to file their answer, if an individual motion to transfer or discovery plan is
28 submitted in this district.

